

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------|---|--------------|
| TYCO FIRE PRODUCTS LP, | : | CIVIL ACTION |
| | : | NO. 10-4645 |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| VICTAULIC COMPANY, | : | |
| | : | |
| Defendant. | : | |

O R D E R

AND NOW, this **12th** day of **April, 2011**, it is hereby **ORDERED** that Plaintiff's motion to dismiss Defendant's second counterclaim and to strike Defendant's third affirmative defense (doc. no. 16) is **GRANTED in part and DENIED in part** as follows:

- 1) Defendant's second counterclaim is hereby **DISMISSED without prejudice**;
- 2) The words "and/or unenforceable" in Defendant's third affirmative defense are hereby **STRICKEN**;
- 3) Paragraph 2(a) of Defendant's request for relief is hereby **STRICKEN**;
- 4) Defendant shall be permitted to file an amended answer by **April 26, 2011**.

AND IT IS SO ORDERED.

S/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.